

1 TITLE IX - INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

2

3 PART A - INDIAN EDUCATION

4

5 FINDINGS AND PURPOSE

6 SEC. 901. Sections 9101(1)(C), 9102(a), and 9102(b)(1) of
7 the ESEA are each amended by striking out "special" and
8 inserting in lieu thereof "unique".

9

10 GRANTS TO LOCAL EDUCATIONAL AGENCIES

11 SEC. 902. Section 9112(b)(2) of the ESEA is amended by
12 inserting a comma and "except that any such tribe is not subject
13 to section 9114(c)(4) (parent committee), section 9117(c)
14 (maintenance of effort), or section 9118 (State review of
15 applications)" before the period at the end thereof.

16

17 AMOUNT OF GRANTS

18 SEC. 903. Section 9113 of the ESEA is amended—

19 (1) in subsection (b)(2), by striking out "Act" and
20 inserting in lieu thereof "subpart"; and

21 (2) by amending subsection (d) to read as follows:

22 "(d) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN
23 AFFAIRS.—(1) In addition to the grants awarded under subsection
24 (a), and subject to subsection (e), the Secretary shall allocate

1 to the Secretary of the Interior an amount equal to the product
2 of—

3 "(A) the total number of Indian children
4 enrolled in schools that are operated by—

5 "(i) the Bureau of Indian Affairs; or

6 "(ii) an Indian tribe, or an organization
7 controlled or sanctioned by an Indian tribal government, for the
8 children of that tribe under a contract with, or grant from, the
9 Department of the Interior under the Indian Self-Determination
10 Act or the Tribally Controlled Schools Act of 1988; and

11 "(B) the greater of—

12 "(i) the average per-pupil expenditure of
13 the State in which the school is located; or

14 "(ii) 80 percent of the average per-pupil
15 expenditure in the United States.

16 "(2) Any school described in paragraph (1) that
17 wishes to receive an allocation under this subpart shall submit
18 an application in accordance with section 9114, and shall
19 otherwise be treated as a local educational agency for the
20 purpose of this subpart, except that it shall not be subject to
21 section 9114(c)(4) (parent committee), section 9117(c)
22 (maintenance of effort), or section 9118 (State review of
23 applications).".

24

1 APPLICATIONS

2 SEC. 904. Section 9114 of the ESEA is amended—

3 (1) in subsection (b)(2), by amending

4 subparagraph (A) to read as follows:

5 "(A) is consistent with State and local plans

6 under other provisions of this Act; and";

7 (2) by amending subsection (c)(3)(A) to read as

8 follows:

9 "(A) is based on a comprehensive local

10 assessment and prioritization of the unique educational and

11 culturally related academic needs of the American Indian and

12 Alaska Native students to whom the local educational agency is

13 providing an education;" and

14 (3) in paragraph (4)—

15 (A) by amending subparagraph (B) to read as

16 follows:

17 "(B) a majority of whose members are parents of

18 Indian children;" and

19 (B) in subparagraph (D)(ii), by striking out

20 "will not diminish" and inserting in lieu thereof "will

21 enhance".

22

23 AUTHORIZED SERVICES AND ACTIVITIES

24 SEC. 905. Section 9115(b) of the ESEA is amended—

1 (1) in paragraph (5), by striking out "Applied
2 Technology Education Act" and inserting in lieu thereof
3 "Technical Education Act of 1998";

4 (2) in paragraph (6), by striking out "and" at the
5 end thereof;

6 (3) in paragraph (7), by striking out the period at
7 the end thereof and inserting in lieu thereof a semicolon and
8 "and"; and

9 (4) by adding at the end thereof paragraphs (8)
10 through (11) to read as follows:

11 "(8) activities that promote the incorporation of
12 culturally responsive teaching and learning strategies into the
13 educational program of the local educational agency;

14 "(9) activities that incorporate American Indian- and
15 Alaska Native-specific curriculum content, consistent with State
16 standards, into the curriculum used by the local educational
17 agency;

18 "(10) activities to promote coordination and
19 collaboration between tribal, Federal, and State public schools
20 in areas that will improve American Indian and Alaska Native
21 student achievement; and

22 "(11) activities that addresses the special needs of
23 American Indian and Alaska Native students who are gifted and
24 talented.".

25

STUDENT ELIGIBILITY FORMS

SEC. 906. Section 9116 of the ESEA is amended—

(1) in subsection (f)–

(A) in the second sentence of paragraph (1)(A),

by inserting "the" before "size"; and

(B) in paragraph (3), by striking out

"subsection (d)" and inserting in lieu thereof "subsection (a)";

(2) by amending subsection (g) to read as follows:

"(g) TRIBAL GRANT AND CONTRACT SCHOOLS. Notwithstanding

any other provision of this section, the Secretary, in awarding

funds under this subpart to a tribal school that receives a

grant or contract from the Bureau of Indian Affairs, shall use

only one of the following, as selected by the school:

"(1) A count of the number of students in those

schools certified by the Bureau.

"(2) A count of the number of students for whom the

school has eligibility forms that comply with this section.";

and

(3) by adding at the end thereof a new subsection (h)

to read as follows:

"(h) TIMING OF CHILD COUNTS. For purposes of determining

the number of children to be counted in calculating the amount

of a local educational agency's grant under this subpart (other

than in the case described in subsection (g)(1)), the local

educational agency shall—

1 "(1) establish a date on, or a period not longer than
2 31 consecutive days during which, the agency counts those
3 children, so long as that date or period occurs before the
4 deadline established by the Secretary for submitting an
5 application under section 9114; and

6 "(2) determine that each such child was enrolled, and
7 receiving a free public education, in a school of the agency on
8 that date or during that period, as the case may be.".

10 PAYMENTS

11 SEC. 907. Section 9117(b) of the ESEA is amended by
12 striking out "(or under subpart 1 of the Indian Education Act of
13 1988)".

15 STATE EDUCATIONAL AGENCY REVIEW

16 SEC. 908. Section 9118 of the ESEA is amended to read as
17 follows:

18 "STATE EDUCATIONAL AGENCY REVIEW

19 "SEC. 9118. Before submitting an application to the
20 Secretary under section 9114, a local educational agency shall
21 submit it to the State educational agency, which may comment on
22 it. If the State educational agency comments on the
23 application, it shall comment on all applications submitted by
24 local educational agencies in the State and shall provide those

1 comments to the respective local educational agencies, with an
2 opportunity to respond. ".
3

4 IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

5 SEC. 909. Section 9121(d)(2) of the ESEA is amended—

6 (1) in subparagraph (A), by striking out "subsection"
7 and inserting in lieu thereof "section"; and

8 (2) in subparagraph (B)—

9 (A) by inserting a comma and "other than an
10 application for a dissemination grant under paragraph (1)(D),"
11 after "subparagraph (A)";

12 (B) in clause (ii), by striking out "and" at the
13 end thereof;

14 (C) by redesignating clause (iii) as clause (v);
15 and

16 (D) by inserting new clauses (iii) and (iv) to
17 read as follows:

18 "(iii) information demonstrating that the
19 proposed program is either a research-based program or such a
20 program that has been modified to be culturally appropriate for
21 the students who will be served;

22 "(iv) a description of how the applicant
23 will incorporate the proposed services into the ongoing school
24 program once the grant period is over; and".

1 PROFESSIONAL DEVELOPMENT

2 SEC. 910. Section 9122 of the ESEA is amended—

3 (1) in subsection (e)—

4 (A) by striking out paragraph (2); and

5 (B) by striking out the subsection designation

6 "(e)" and all that follows through "Each" and inserting in lieu

7 thereof "(e) APPLICATION. Each";

8 (2) in subsection (h)(1), by inserting " preservice"

9 after "receives"; and

10 (3) by adding at the end thereof a new subsection (i)

11 to read as follows:

12 "(i) IN-SERVICE TRAINING FOR TEACHERS OF INDIAN
13 CHILDREN.—(1) GRANTS AUTHORIZED. In addition to the grants
14 authorized by subsection (c), the Secretary may make grants to
15 either of the following, in order to provide high-quality in-
16 service training to teachers in local educational agencies with
17 substantial numbers of Indian children enrolled in their
18 schools:

19 "(A) A consortium of a tribal college and an
20 institution of higher education that awards a degree in
21 education.

22 "(B) A consortium of a tribal college or an
23 institution of higher education that awards a degree in
24 education, or both, and one or more elementary or secondary
25 schools operated by an Indian tribe or funded by the Bureau of

1 Indian Affairs, local educational agencies serving Indian
2 children, or tribal educational agencies.

3 "(2) USE OF FUNDS.—(A) A consortium that receives a
4 grant under paragraph (1) shall use the grant funds only to
5 provide high-quality in-service training to teachers, including
6 teachers who are not Indian, in local educational agencies with
7 substantial numbers of Indian children enrolled in their
8 schools, in order to better meet the unique educational needs of
9 those children.

10 "(B) The training described in subparagraph (A)
11 shall include such activities as preparing teachers to use the
12 best available research-based practices and learning strategies,
13 and to make the most effective use of curriculum and materials,
14 that respond to the unique needs of Indian children in their
15 classrooms.

16 "(3) SPECIAL RULE. Subsection (d) of this section
17 shall not apply to grants made under this subsection.

18 "(4) PREFERENCE FOR INDIAN APPLICANTS. In applying
19 section 9153 to this subsection, the Secretary shall give a
20 preference to any consortium that includes one or more of the
21 entities described in that section. ".

22

23 REPEAL OF AUTHORITIES

24 SEC. 911. Part A of title IX of the ESEA is further
25 amended—

- 1 (1) by striking out sections 9123, 9124, and 9125;
2 (2) by striking out subpart 3; and
3 (3) by redesignating subparts 4, 5, and 6 as subparts
4 3, 4, and 5, respectively.

5

6 FEDERAL ADMINISTRATION

7 SEC. 912. (a) PEER REVIEW. Section 9152 of the ESEA is
8 amended by striking out "subpart 2, 3, or 4" and inserting in
9 lieu thereof "subpart 2 or 3".

10 (b) PREFERENCE FOR INDIAN APPLICANTS. Section 9153 of the
11 ESEA is amended by striking out "subpart 2, 3, or 4" and
12 inserting in lieu thereof "subpart 2 or 3".

13 (c) MINIMUM GRANT CRITERIA. Section 9154 of the ESEA is
14 amended by striking out "subpart 2 or 3" and inserting in lieu
15 thereof "subpart 2".

16

17 AUTHORIZATION OF APPROPRIATIONS

18 SEC. 913. Section 9162 of the ESEA is amended to read as
19 follows:

20 "AUTHORIZATION OF APPROPRIATIONS

21 "SEC. 9162. (a) SUBPART 1. For the purpose of carrying
22 out subpart 1 of this part, there are authorized to be
23 appropriated such sums as may be necessary for each of the
24 fiscal years 2001 through 2005.

1 "(b) SUBPARTS 2 AND 3. For the purpose of carrying out
2 subparts 2 and 3 of this part, there are authorized to be
3 appropriated such sums as may be necessary for each of the
4 fiscal years 2001 through 2005. ".

1 PART B - NATIVE HAWAIIAN EDUCATION

2

3 NATIVE HAWAIIAN EDUCATION

4 SEC. 921. Part B of title IX of the ESEA is amended—

5 (1) by amending the heading thereof to read as

6 follows: "PART B - NATIVE HAWAIIAN EDUCATION";

7 (2) in section 9202(17), by inserting after the first

8 sentence the following: "Subsequent reports by the Kamahameha

9 School Bishop Estate and other organizations have generally

10 confirmed those findings.";

11 (3) in section 9203(2), by striking out "on Native

12 Hawaiian education," and everything that follows through the end

13 thereof and inserting in lieu thereof "on Native Hawaiian

14 education;"

15 (4) by repealing sections 9204 through 9210 and

16 inserting in lieu thereof a new section 9204 to read as follows:

17 "PROGRAM AUTHORIZED

18 "SEC. 9204. (a) GENERAL AUTHORITY .-(1) PROGRAM

19 AUTHORIZED. The Secretary is authorized to make grants to, or

20 enter into contracts with, Native Hawaiian educational

21 organizations; Native Hawaiian community-based organizations;

22 public and private nonprofit organizations, agencies, or

23 institutions with experience in developing or operating Native

24 Hawaiian programs or programs of instruction in the Native

25 Hawaiian language; and consortia of such organizations,

1 agencies, or institutions to carry out programs that meet the
2 purposes of this part.

3 “(2) PERMISSIBLE ACTIVITIES. Programs under this
4 part may include—

5 “(A) the operation of one or more councils to
6 coordinate the provision of educational and related services and
7 programs available to Native Hawaiians;

8 “(B) the operation of family-based education
9 centers that provide such services as—

10 “(i) programs for parents and their infants
11 from prenatal through age three;

12 “(ii) preschool programs; and

13 “(iii) research on, development of, and
14 assessment of family-based, early childhood, and preschool
15 programs for Native Hawaiians;

16 “(C) activities to enable Native Hawaiians to
17 enter and complete programs of postsecondary education,
18 including—

19 “(i) full or partial scholarships for
20 undergraduate or graduate study that are awarded to students
21 based on their academic promise and financial need, with a
22 priority, at the graduate level, given to professions in which
23 Native Hawaiians are underrepresented;

24 “(ii) counseling and support services for
25 students receiving scholarship assistance;

1 “(iii) counseling and guidance for Native
2 Hawaiian secondary students who have the potential to receive
3 scholarships; and

4 “(iv) faculty development activities
5 designed to promote the matriculation of Native Hawaiian
6 students;

7 “(D) activities that address the special needs
8 of Native Hawaiian students who are gifted and talented,
9 including—

10 “(i) educational, psychological, and
11 developmental activities designed to assist in the educational
12 progress of those students; and

13 “(ii) activities that involve the parents
14 of those students in a manner designed to assist in the
15 students’ educational progress;

16 “(E) activities to meet the special needs of
17 Native Hawaiian students with disabilities, including—

18 “(i) the identification of such students,
19 and of their needs;

20 “(ii) the provision of support services to
21 the families of those students; and

22 “(iii) other activities consistent with the
23 requirements of the Individuals with Disabilities Education Act.

24 “(F) the development of academic and vocational
25 curricula to address the needs of Native Hawaiian children and

1 adults, including curriculum materials in the Hawaiian language
2 and mathematics and science curricula that incorporate Native
3 Hawaiian tradition and culture;

4 “(G) professional development activities for
5 educators, including—

6 “(i) the development of programs to prepare
7 prospective teachers to address the unique needs of Native
8 Hawaiian students within the context of Native Hawaiian culture,
9 language, and traditions;

10 “(ii) in-service programs to improve the
11 ability of teachers who teach in schools with concentrations of
12 Native Hawaiian students to meet those students’ unique needs;
13 and

14 “(iii) recruiting and preparing Native
15 Hawaiians, and other individuals who live in communities with a
16 high concentration of Native Hawaiians, to become teachers;

17 “(H) the operation of community-based learning
18 centers that address the needs of native Hawaiian families and
19 communities through the coordination of public and private
20 programs and services, including—

21 “(i) preschool programs;

22 “(ii) after-school programs; and

23 “(iii) vocational and adult education
24 programs;

1 "(I) research and data-collection activities to
2 determine the educational status and needs of Native Hawaiian
3 children and adults;

4 "(J) other research and evaluation activities
5 related to programs under this part; and

6 "(K) other activities, consistent with the
7 purposes of this part, to meet the educational needs of Native
8 Hawaiian children and adults.

9 "(3) PRIORITIES. In awarding grants or contracts to
10 carry out activities described in paragraphs (2)(F) and (2)(G),
11 the Secretary shall give priority to projects that—

12 "(A) focus on the needs of at-risk youth; and

13 "(B) use the Hawaiian language in instruction.

14 "(b) AUTHORIZATION OF APPROPRIATIONS. There are
15 authorized to be appropriated such sums as may be necessary for
16 each of the fiscal years 2001 through 2005 to carry out this
17 part. ";

18 (5) in section 9211, by amending subsection (b)
19 to read as follows:

20 "(b) SPECIAL RULE. Each applicant for a grant or contract
21 under this part shall submit its application for comment to each
22 local educational agency serving students who will participate
23 in the project and include those comments, if any, with its
24 application to the Secretary. ";

25 (6) in section 9212, by—

1 (A) striking out paragraphs (3) and (5); and
2 (B) redesignating paragraphs (4) and (6) as
3 paragraphs (3) and (4), respectively; and
4 (7) by redesignating section 9211 and section 9212 as
5 section 9205 and section 9206, respectively.

1 PART C - ALASKA NATIVE EDUCATION

2

3 ALASKA NATIVE EDUCATION

4 SEC. 931. Part C of title IX of the ESEA is amended—

5 (1) by repealing sections 9304 through 9306 and
6 inserting in lieu thereof a new section 9304 to read as follows:

7 "PROGRAM AUTHORIZED

8 "SEC. 9304. (a) GENERAL AUTHORITY. —(1) PROGRAM
9 AUTHORIZED. The Secretary is authorized to make grants to, or
10 enter into contracts with, Alaska Native organizations,
11 educational entities with experience in developing or operating
12 Alaska Native programs or programs of instruction conducted in
13 Alaska Native languages, and consortia of such organizations and
14 entities to carry out programs that meet the purpose of this
15 part.

16 "(2) PERMISSIBLE ACTIVITIES. Programs under
17 this part may include—

18 "(A) the development and implementation of
19 plans, methods, and strategies to improve the education of
20 Alaska Natives;

21 "(B) the development of curricula and
22 educational programs that address the educational needs of
23 Alaska Native students, including—

24 "(i) curriculum materials that reflect
25 the cultural diversity or the contributions of Alaska Natives;

1 "(ii) instructional programs that make
2 use of Native Alaskan languages; and
3 "(iii) networks that introduce
4 successful programs, materials, and techniques to urban and
5 rural schools;
6 "(C) professional development activities for
7 educators, including—
8 "(i) programs to prepare teachers to
9 address the cultural diversity and unique needs of Alaska Native
10 students;
11 "(ii) in-service programs to improve the
12 ability of teachers to meet the unique needs of Alaska Native
13 students; and
14 "(iii) recruiting and preparing teachers
15 who are Alaska Natives, reside in communities with high
16 concentrations of Alaska Native students, or are likely to
17 succeed as teachers in isolated, rural communities and engage in
18 cross-cultural instruction;
19 "(D) the development and operation of home
20 instruction programs for Alaska Native preschool children, the
21 purpose of which is to ensure the active involvement of parents
22 in their childrens' education from the earliest ages;
23 "(E) the development and operation of
24 student enrichment programs in science and mathematics that—
25 "(i) are designed to prepare Alaska

1 Native students from rural areas, who are preparing to enter
2 high school, to excel in science and math; and

3 "(ii) provide appropriate support
4 services to the families of such students that are needed to
5 enable such students to benefit from the program;

6 "(F) research and data-collection activities to
7 determine the educational status and needs of Alaska Native
8 children and adults;

9 "(G) other research and evaluation activities
10 related to programs under this part; and

11 "(H) other activities, consistent with the
12 purposes of this part, to meet the educational needs of Alaska
13 Native children and adults.

14 "(3) HOME INSTRUCTION PROGRAMS. Home instruction
15 programs for Alaska Native preschool children under paragraph
16 (2)(D) may include—

17 "(A) programs for parents and their infants,
18 from prenatal through age three;

19 "(B) preschool programs; and

20 "(C) training, education, and support for
21 parents in such areas as reading readiness, observation, story-
22 telling, and critical thinking.

23 "(b) AUTHORIZATION OF APPROPRIATIONS. There are
24 authorized to be appropriated such sums as may be necessary for

1 each of the fiscal years 2001 through 2005 to carry out this
2 part. ";

3 (2) in section 9307—

4 (A) by amending subsection (b) to read as
5 follows:

6 "(b) APPLICATIONS. State and local educational agencies
7 may apply for an award under this part only as part of a
8 consortium involving an Alaska Native organization. This
9 consortium may include other eligible applicants. ";

10 (B) by amending subsection (d) to read as
11 follows:

12 "(d) LOCAL EDUCATIONAL AGENCY COORDINATION. Each
13 applicant for an award under this part shall inform each local
14 educational agency serving students who would participate in the
15 project about its application. "; and

16 (C) by striking out subsection (e); and

17 (3) by redesignating section 9307 and section 9308 as
18 section 9305 and section 9306, respectively.

19